

1. TCAG, LLC
(Applicant)

04-5-CZ11-3 (03-242)
Area 11/District 09
Hearing Date: 9/7/06

Property Owner (if different from applicant) **Same**

Is there an option to purchase ☐/lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☒ No ☐

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

DATE: Sept 30, 2004

#Z-29-04

APPLICANT: A. TCAG L.L.C.

cc
MOTION: Decision of ZAB #11 vacated and remanded
to community council for further consideration.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz		X		
Ferguson				X
Heyman	S	X		
Martinez				X
Morales				X
Moss	M	X		
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa		X		
Souto		X		
Chair Carey-Shuler		X		
TOTAL		9	0	4

DATE: 7/29/2004

#Z-

APPLICANT: 2. TCAG L.L.C.
(04-5-CZ11-3/03-242)

MOTION: to defer the application to September 23, 2004*.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz				X
Ferguson		X		
Heyman		X		
Martinez		X		
Morales				X
Moss				X
Rolle		X		
Seijas	M	X		
Sorenson		X		
Sosa	S	X		
Souto		X		
Chair Carey-Shuler		X		
TOTAL		9	0	4

*NOTE: Later in the meeting, during discussion of Zoning Item A, the County Commission Chairperson Carey-Shuler announced the rescheduling of the September 23, 2004, Zoning meeting to September 30, 2004, and to readvertise the foregoing application.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11**

APPLICANT: TCAG L.L.C.

PH: Z03-242 (04-5-CZ11-3)

SECTION: 14-55-39

DATE: September 7, 2006

COMMISSION DISTRICT: 9

ITEM NO.: 1

A. INTRODUCTION

o REQUESTS:

This application was denied without prejudice by the Community Zoning Appeals Board #11 (CZAB-11), appealed to the Board of County Commissioners (BCC), and remanded back to CZAB-11 for reconsideration.

1. GU to IU-C
2. Applicant is requesting to permit the zoning of a tract of land with an area of 4.99 gross acres (a minimum of 10 acres required for platting or rezoning).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

o SUMMARY OF REQUESTS:

The applicant appealed to the Board of County Commissioners (BCC) the decision of the Community Zoning Appeals Board-11 (CZAB-11) that denied requests to rezone the parcel from GU (interim district) to IU-C (Industrial district, conditional) and to allow the rezoning of a parcel of land to the IU-C zone that is smaller than permitted. The BCC remanded the application to CZAB-11 for reconsideration.

o LOCATION:

Lying north of theoretical SW 135 Street and west of theoretical SW 132 Avenue, Miami-Dade County, Florida.

o SIZE: 4.99 Acres

o IMPACT:

The approval of the requests will allow the applicant to rezone to a conditional industrial district and to plat the parcel of land smaller in size than permitted. The rezoning will bring industrial uses to the property that will generate traffic and noise.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **industrial and office**.
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

GU; vacant property

Industrial and Office

Surrounding Properties:

NORTH: IU-C; vacant property

Industrial and Office

SOUTH: IU-C; vacant property being cleared

Industrial and Office

EAST: IU-C; vacant property

Industrial and Office

WEST: IU-I; vacant property

Industrial and Office

The subject property is located on the west side of theoretical SW 132 Avenue, north of SW 135 Street and in the development commonly referred to as Three-Lakes. The area where the subject property lies is characterized by industrial uses such as warehouses, auto shops, and mini-storage facilities. Professional offices and restaurants can be found along SW 136 Street and SW 137 Avenue.

E. SITE AND BUILDINGS:

Site Plan Review:

(No plans submitted)

Scale/Utilization of Site:

Acceptable

Location of Buildings:

N/A

Compatibility:

Acceptable

Landscape Treatment:

N/A

Open Space:

N/A

Buffering:

N/A

Access:

Acceptable

Parking Layout/Circulation:

N/A

Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change**, **Section 33-311** provides that the Board take into consideration, among other factors, the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Section 33-272; Frontage; depth and area. No application for zoning of a tract of land for IU-C or for the platting thereof shall be permitted unless such tract consists of at least ten (10) acres of land, credit being given for right-of-way dedications; and such tract shall have not less than three hundred thirty (330) feet of frontage and three hundred thirty (330) feet of depth, credit being given for right-of-way dedication in computing such frontage and depth.

Section 33-311 (A)(4)(b). Non-use variances from other than airport regulations: Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use

variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

Section 33-311(A)(4)(c) Alternative non-use variance standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

* subject to the conditions stated in their memoranda

H. ANALYSIS:

On May 6, 2004, the Community Zoning Appeals Board 11 (CZAB-11) denied without prejudice this application by a vote of 7 to 0, pursuant to Resolution No. CZAB11-20-04. On September 30, 2004, the Board of County Commissioners, pursuant to Resolution Z-29-04, vacated Resolution CZAB11-20-04 and remanded this application back to the Community Zoning Appeals Board-11 for reconsideration. The requests would permit a rezoning from GU, interim district, to IU-C, industrial district-conditional, of a parcel of land with an area of 4.99 gross acres where the IU-C zoning district requires a minimum of 10 gross acres. The CDMP states that all existing uses and zoning are consistent with the CDMP. As such, the decision of CZAB-11 to deny this application and retain the existing GU zoning is consistent with the CDMP.

The subject parcel lies north of theoretical SW 135 Street and west of theoretical SW 132 Avenue. The applicant is seeking approval to rezone the property from GU, Interim District, to IU-C, Conditional Industrial District, and to permit the rezoning to IU-C of a tract of land that is smaller (4.99 acres) than required (10 acres) by the IU-C zoning district regulations. Said requirement is stated in the Zoning Code under Section 33-272

(Frontage; depth and area). The aforementioned section restricts the rezoning or platting of a parcel of land within an IU-C zoning district to a minimum of 10 acres of land, credit being given for right-of-way dedications. The applicant submitted a survey depicting the boundaries of the subject property.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. The **Public Works Department** has **no objections** to this application and states that the land requires platting. The application meets the traffic concurrency criteria and will generate **60** additional daily **PM** peak hour trips. The traffic distribution of these trips to the adjacent roadways does not exceed the acceptable Level of Service (LOS) which are currently at LOS "B" and "E".

This application will allow the applicants to change the zoning on the property to IU-C and to permit the IU-C parcel of land smaller than required. The subject property is a 4.99 acre tract of land located within an established IU-C zoned area and the request to rezone the property to IU-C (request #1) is **consistent** with the Land Use Plan (LUP) map of the Comprehensive Development Master Plan which designates this site for **Industrial and Office** use. Although the 4.99-acre tract is less than required by the IU-C district regulations which require 10 acres for rezoning or platting, staff notes that the parcel does comply with the minimum lot frontage and lot depth requirements of the IU-C zoning district of 330' each. Staff notes the IU-C parcels to the immediate north and south have been approved with less lot area than required. The Board of County Commissioners approved, pursuant to Resolution No. Z-152-78, the rezoning of a parcel of land immediately south of the subject property containing 5 acres where 10 acres are required, and also approved a similar request, pursuant to Resolution No. Z-239-81, on a 5-acre parcel of land immediately north of the subject property.

In seeking approval of request #2 under the alternative non-use variance standards [Section 33-311(a)(4)(c) (ANUV)] the applicant would have to prove that the request is due to an unnecessary hardship and that, should said request not be granted, it would not permit the reasonable use of the premises. The applicant has not proven that the rezoning to IU-C of the subject property with less than the required 10 acres of area constitutes an unnecessary hardship since the property can be utilized under the current zoning regulations.

When analyzed in accordance with the non-use variance standards [Section 33-311(A)(4)(b) (NUV)], staff is of the opinion, the approval of this IU-C parcel with less lot area than the required 10 acres would be **compatible** with the surrounding area since, as previously mentioned, similar requests have been approved with less lot area to the north and south of the site and the approval of this application would not have a detrimental impact on this community. Furthermore, the applicant has now proffered a covenant restricting certain industrial uses that will be prohibited from being developed on the site if the requested district boundary change to IU-C is approved. The proffered covenant restricts, among others, the following uses on the subject property: adult entertainment uses, aircraft hangars, armories, breweries, coal yards or cocktail lounges. Additional restrictions included within the submitted covenant are a provision that the lighting for the property be directed away from the Venezia Lakes subdivision and SW 136 Street and that sound deadeners be used in conjunction with any repair or welding work.

As such, staff recommends approval of the district boundary change, subject to the Board's acceptance of the proffered covenant, approval of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of request #2 under Section 33-311(A)(4)(c) (ANUV).

I. **RECOMMENDATION:** Approval of the zone change (request #1) subject to the Board's acceptance of the proffered covenant; approval of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of request #2 under Section 33-311(A)(4)(c) (ANUV).

J. **CONDITIONS:** None.

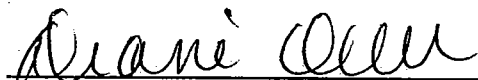
DATE INSPECTED: 03/28/04

DATE TYPED: 04/05/04

DATE REVISED: 04/12/04; 04/13/04; 04/30/04; 06/25/04; 07/06/04; 07/14/04; 07/19/04;
08/06/04; 09/20/04; 06/30/06; 07/13/06; 07/27/06

DATE FINALIZED: 08/20/06

DO'QW:AJT:MTF:JED: JGM



Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning



MEMORANDUM



TO: Diane O' Quinn-Williams, Director
Department of Planning and Zoning

DATE: September 12, 2003

SUBJECT: C-11 #Z2003000242
TCAG, LLC
SW corner of theoretical SW 134th
Street and theoretical SW 132nd
Avenue
DBC from GU to IU-C
(GU) (4.99 Ac.)
14-55-39

FROM: Alyce M. Robertson, Assistant Director
Environmental Resources Management

DERM has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of the Miami-Dade County, Florida. Accordingly, DERM may approve the application and it may be scheduled for public hearing. DERM has also evaluated the request insofar as the general environmental impact that may derive from it, and based upon the available information offers no objection to its approval.

Potable Water Supply and Wastewater Disposal:

Public water and public sanitary sewers can be made available to this property. Therefore, DERM will require connection to the public water supply and public sanitary sewer systems.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management:

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A Standard General Environmental Resource Permit from DERM shall be required for the construction and operation of the required surface water management system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service standards for flood protection set forth in the Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Hazardous Materials Management:

Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the DERM Industrial Facilities Section concerning required management practices.

Operating Permits:

Section 24-35.1 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM might be required. It is therefore suggested that the applicant contact DERM concerning operating requirements.

Fuel Storage Facilities:

Section 24-12.2 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The Storage Tank Section of DERM should be contacted for permitting requirements in this regard, if any fuel storage facility is requested.

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Tree Preservation:

Section 24-60 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements.

Enforcement History:

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval as required by the Code. Additionally, DERM has also evaluated the application so as to determine its general environmental impact and after reviewing the available information offers no objections to the approval of the request.

cc: Ruth Ellis-Myers, Zoning Evaluation-P&Z
Lynne Talleda, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: TCAG L.L.C.

This Department has no objections to this application.

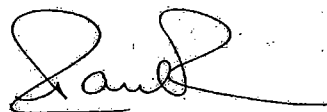
This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency(*) criteria for an Initial Development Order. It will generate 60 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta. #	LOS present	LOS w/project
9814 SW 137 Ave. s/o SW 120 St.	C	C
9816 SW 137 Ave. s/o SW 136 St.	E	E

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

(*)Traffic concurrency is based on the density of the property with its proposed use where the number of peak hour vehicle trips may fluctuate.



Raul A Pino, P.L.S.

20-JUN-06

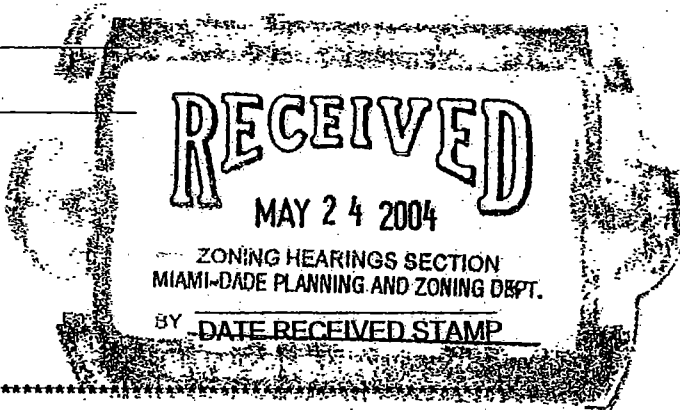
PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY _____ AMOUNT OF FEE _____

RECEIPT # _____

DATE HEARD: 1 / 1

BY CZAB # _____



This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 03-242

Filed in the name of (Applicant) TCAG, LLC

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: Lying North of theoretical SW 135 St.
and West of theoretical SW 132 Ave

Application, or part of Application being Appealed (Explanation):
Entire Appealable Application

Appellant (name): TCAG, LLC

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

The request for zoning re-classification from GU to IU-C is consistent with the Miami-Dade County Master Plan Designation for this area which is Office/Industrial. Upon review, the application received no objection from DERM, the Public Works Department, Parks, MDTA, Fire Rescue, or Police (Schools withheld comment). The requested reclassification received favorable commendations from the staff at the Department of Planning and Zoning which stated in said approval, "the area where the subject property lies is characterized by industrial uses such as warehouses, auto shops and mini-storage facilities". The subject application for non-use variance clearly meets the standards set forth in §33-311(A)(4)(b) and (c) insofar that it maintains the basic intent and purpose of the zoning, subdivision, and other land use regulations despite the fact that the property does not meet the minimum lot size requirement. A special condition exists by virtue of the fact that the owner of the property, also owns the adjacent property of approximately equal size. Said property already has an IU-C zoning classification. Taken together with the subject property, the two properties either meet or are within .02 of an acre of the required 10 acre lot size requirement. Additionally, all of the properties immediately surrounding this property have an IU-C zoning classification with the exception of the property immediately to the West which is IU-1. The uses permitted under the IU-C zoning classification set out certain restrictions that, although not necessary to emulate the surrounding neighborhoods, do so by requiring the "at all manufacturing establishments or rebuilding, storage, or repair spaces permitted in an IU-C District, all materials and products shall be stored and all manufacturing, rebuilding, storing or renovation operations shall be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls" (See §33-270). As such, the uses permitted would not be detrimental to the surrounding community which as already stated already has industrial zoning classifications. Between the subject property and the nearest residential community, there lies a vacant property which already contains an IU-C classification. Therefore, the uses permitted by the present application to change the zoning would not more impact said residential community than the uses permitted on property located adjacent to said residential community. Denial of the IU-C classification based on lot size would be severely detrimental to the economic feasibility of the property.

For all the reasons stated above, there was no basis for the Community Zoning Appeal Board's denial of the subject zoning

APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Raquel Carro, Manager
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community
Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☒ 1. Participation at the hearing
- ☒ 2. Original Applicant
- ☐ 3. Written objections, waivers or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Aina Lopez
Signature

Aina Lopez
Print Name

[Signature]
Signature

Eric A. Gonzalez
Print Name

Raquel Carro
Appellant's signature

Raquel Carro, Manager of
Print Name TCA6, LLC

Sworn to and subscribed before me on the 20 day of May, year 2004.

Appellant is personally know to me or has produced _____ as
identification.



[Signature]
Notary
(Stamp/Seal)

Commission Expires:

APPELLANT MUST SIGN THIS PAGE

Date: 20 day of May, year: 2004

Signed

Raquel Carro

Raquel Carro, Manager of

Print Name TCAG, LLC

7050 SW 86 Ave, Miami, FL 33143

Mailing Address

305/595-2360
Phone

305/595-0408
Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

Representing

Signature

Print Name

Address

City

State

Zip

Telephone Number

Subscribed and Sworn to before me on the 20 day of May, year 2004

[Signature]
Notary Public

(stamp/seal)

Commission expires:



RESOLUTION NO. CZAB11-20-04

WHEREAS, TCAG L. L. C. applied for the following:

- (1) GU to IU-C
- (2) To permit the zoning of a tract of land with an area of 4.99 gross acres (a minimum of 10 acres required for platting or rezoning).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

SUBJECT PROPERTY: The north ½ of the SE ¼ of the SE ¼ of the SW ¼ in Section 14, Township 55 South, Range 39 East.

LOCATION: Lying north of theoretical S.W. 135 Street and west of theoretical S.W. 132 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 11 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the request for a district boundary change (Item #1); and to permit the zoning of a tract of land with an area of 4.99 gross (Item #2) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to deny the entire application without prejudice was offered by Charlene Burks, seconded by Thomas J. Schramm, and upon a poll of the members present the vote was as follows:

Don J. Abbott	aye	John Feinberg	aye
Charlene Burks	aye	Patrick M. Fiore	aye
Roy Bustillo	aye	Thomas J. Schramm	aye
Miguel Cervera	aye		

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 11, that the request for a district boundary change (Item #1), and to permit the zoning of a tract of land with an area of 4.99 gross (Item #2) be and the same are hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 6th day of May, 2004.

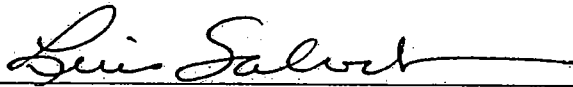
Hearing No. 04-5-CZ11-3
Is

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

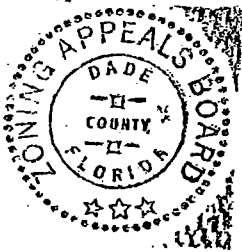
I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 11, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB11-20-04 adopted by said Community Zoning Appeals Board at its meeting held on the 6TH day of May 2004.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 28th day of May, 2004.



Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning

SEAL



Memorandum



Date: 15-AUG-06

To: Diane O'Quinn Williams, Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2003000242

Fire Prevention Unit:

Not applicable to Fire Water Engineering Site Requirements at this stage. MDR Site Requirements will be determined upon submission of the development plans for the proposed project.

Service Impact/Demand:

Development for the above Z2003000242
located at LYING APPROX 330' NORTH OF S.W. 136 STREET AND WEST OF THEORETICAL S.W. 132 AVENUE
in Police Grid 1985 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: N/A alarms-annually.

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 43 Richmond 13390 SW 152 Street
Rescue, ALS 50' Sqrt (TRT)

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
None.

Fire Planning Additional Comments:

Not applicable to service impact analysis at this stage. Service impact analysis will be determined upon submission of the development plans for the proposed project.

DATE: 08/10/06

REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

TCAG L.L.C.

LYING APPROX 330' NORTH OF
S.W. 136 STREET AND WEST OF
THEORETICAL S.W. 132 AVENUE

APPLICANT

ADDRESS

Z2003000242

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Property was found in violation of overgrowth (Case number 200602004787) on 6/15/06 and citation #992732 was issued. Reinspection was conducted on 7/31/06 and property remained in violation. NCO forwarded case to county contractor for remediation.

Willie Ellis

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: TCAG, LLC, a Florida Limited Liability Company

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Jose Carro & Raquel Carro, his wife,</u>	
<u>as Tenants by the entireties</u>	<u>50%</u>
<u>Robert Vinas</u>	<u>50%</u>
<u></u>	
<u></u>	
<u></u>	

If a **TRUST or ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u></u>	
<u></u>	
<u></u>	
<u></u>	
<u></u>	

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u></u>	
<u></u>	
<u></u>	
<u></u>	
<u></u>	

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

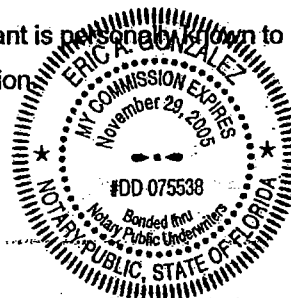
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____ - Jose Carro
(Applicant)

Sworn to and subscribed before me this 15 day of December, 2003 Affiant is personally known to me or has produced F.D.L. as identification

[Signature]
(Notary Public)

My commission expires _____



*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

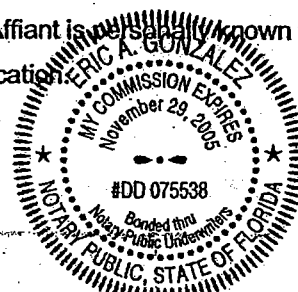
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: [Signature] (Applicant) - Robert Vinas

Sworn to and subscribed before me this 15 day of December, 2003. Affiant is well known to me or has produced F.D.L. as identification.

[Signature]
(Notary Public)

My commission expires _____



*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

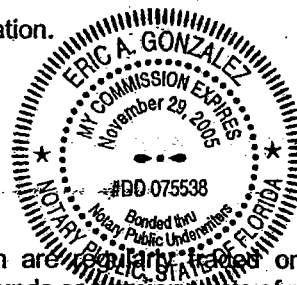
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: *Raquel Carro* - Raquel Carro
(Applicant)

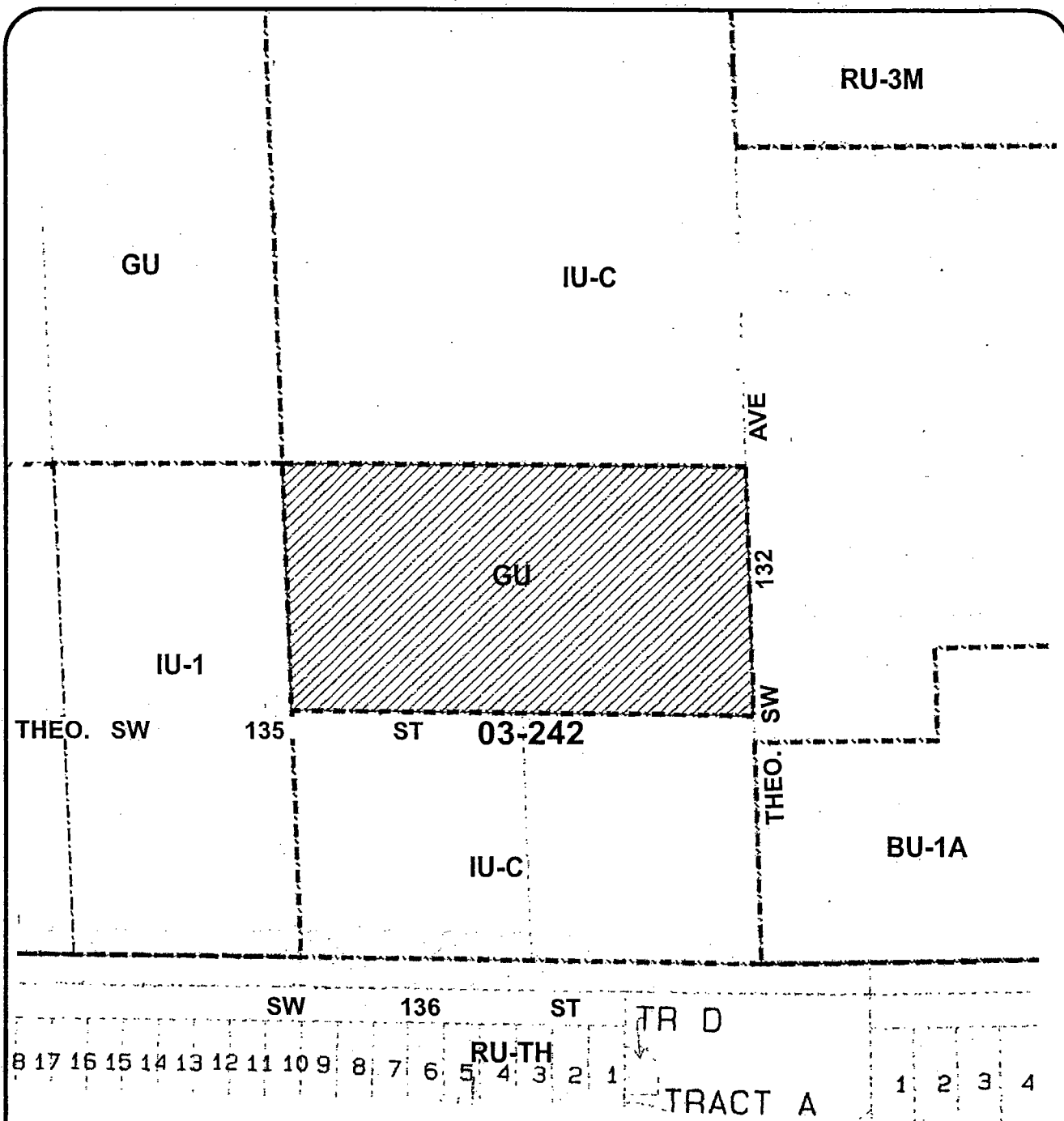
Sworn to and subscribed before me this 15 day of December, 2003. Affiant is personally known to me or has produced F.D.L. as identification.

[Signature]
(Notary Public)

My commission expires _____

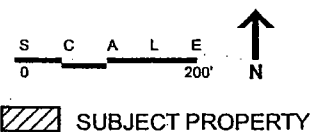


*Disclosure shall not be required of: 1) any entity, the equity interests in which are publicly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.



MIAMI-DADE COUNTY HEARING MAP

Section: 14 Township: 55 Range: 39
 Process Number: 03-242
 Applicant: TCAG, LLC.
 District Number: 09
 Zoning Board: C11
 Drafter ID: DIONNE
 Scale: 1:200'





MIAMI-DADE COUNTY
AERIAL

Section: 14 Township: 55 Range: 39
Process Number: 03-242
Applicant: TCAG, LLC.
District Number: 09
Zoning Board: C11
Drafter ID: KEELING
Scale: NTS

S C A L E
0 NTS N



SUBJECT PROPERTY



**Received by
Zoning Agenda Coordinator
AUG 24 2006**

**Received by
Zoning Agenda Coordinator
AUG 24 2006**

This instrument was prepared by:

Name: Melissa Tapanes Llahues, Esq.

Address: Bercow & Radell, P.A.

200 S. Biscayne Boulevard, Suite 850

Miami, Florida 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached to this Declaration (the "Property");

WHEREAS, the Property is the subject of Public Hearing Application No. Z03-242 (the "Application");

WHEREAS, the Owner has sought to rezone the Property from GU (Interim District) to IU-C (Industrial District - Conditional), and a non-use variance to permit the zoning of a tract of land with an area of 4.99 gross acres where a minimum of 10 acres is required for platting or rezoning;

NOW THEREFORE, in order to assure the Miami-Dade County (the "County") that the representations made by the Owner during the consideration of the Application will be abided by the Owner, its successors and assigns, freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

Industrial Use Restrictions. Notwithstanding the approval of the IU-C zoning classification of the Property, the following uses shall be prohibited on the Property:

- 1) Adult entertainment uses as defined in Section 33-259.1 of the County Code;
- 2) Aircraft hangers;
- 3) Armories, arsenals;
- 4) Blacksmith, gas steam fitting shops;
- 5) Bottling plants;
- 6) Brewery;

(Space reserved for Clerk)

- 7) Canning Factories;
- 8) Coal yards;
- 9) Commercial chicken hatcheries;
- 10) Livery stables, for riding clubs or sheltering horses;
- 11) Mattress manufacturing and renovating;
- 12) Passenger and freight – stations and terminals (boats, trucks, buses and railroads);
- 13) Power or steam laundries;
- 14) Cocktail lounge – bar use;
- 15) Liquor package stores;
- 16) Shipyards and dry docks;
- 17) Taxidermy;
- 18) Textile, hosiery, and weaving mills;
- 19) Vulcanizing; and
- 20) Welding shops.

Lighting. No lighting on the Property shall be directed south so as to ensure that all lighting is directed away from the Venezia Lakes subdivision and Southwest 136 Street.

Noise. Sound deadeners shall be used for all automobile, truck, boat, yacht, metal work, and welding-related uses. All air compressors shall be of radial (silenced) design and not exceed 100 decibels.

Compliance with Section 33-269 of the County Code. Pursuant to Section 33-269 of the County Code, the Owner shall file a written application (“Application”) specifying the use and containing such detailed information and certified reports as may be reasonably required to determine whether or not the proposed use would be commensurate with the public health, safety, comfort, convenience, and general welfare of the community and in compliance with other Code provisions. The Owner shall provide the registered agent of the Venezia Homeowner’s Association (“Registered Agent”) shall be sent a copy of the Application via certified mail ten (10) days prior to the submittal of the Application to the Director of the

(Space reserved for Clerk)

County Department of Planning and Zoning. Upon submittal of the Application, the Owner shall provide evidence of compliance with this Paragraph to the Director of Planning and Zoning. In addition, the Registered Agent shall be provided with copies of all correspondence between the County and the Owner, including all written reports and recommendations by County Agencies to the Director. Owner acknowledges that the Venezia Homeowner's Association shall have standing to appeal the decision of the Director before the Board of County Commissioners pursuant to Section 33-314(c)(7).

Compliance with Section 33-270 of the County Code. Pursuant to Section 33-270 of the County Code, all materials and products shall be stored and all manufacturing, rebuilding, storing or renovating operations shall be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls. Specifically, all automobiles, trucks and/or boats associated with any repair or service use on the Property shall be stored and serviced within an enclosed building.

Overflow Parking. The parking of vehicles shall be restricted to the surface parking area. No parking shall be allowed on the 25 foot landscape buffer abutting S.W. 132 Avenue or the swale areas surrounding the Property.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10)

(Space reserved for Clerk)

years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

(Space reserved for Clerk)

Recordation and Effective Date. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. The Owner acknowledges that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners retains its full power and authority to deny each such application in whole or in part and decline to accept any conveyance.

Owner. The term Owner shall include all heirs, assigns, and successors in interest.

[Execution Pages Follow]